The Investigations Function

Investigative Inquiries and Investigations

An Investigator's Purpose

- **Unwavering** commitment to standards
- Focus on Army **values**
- **Fairness** and equity to all personnel
- **Protect** the best interests of the Army
- Army first, **Soldiers** always
- **We work for the Commander!**

Room 2105
703-805-3895

Outline

- ✓ Introduction
- IGAP
- How to Conduct IGPA
- Gathering the Facts
- Evaluating the Evidence
- Notification of Results
- Records Release
- Review

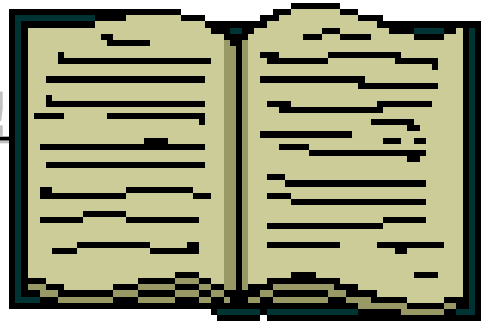
Now – I know what you are thinking…

You're saying to yourself, I'll do an investigation when Hell freezes over.

Well, Hell is in Virginia and …

Introduction

- **References**
  - **AR 20-1, IG Activities and Procedures**
    - **Chapters 3, 4, and 8**
  - **Part Two, The Assistance and Investigations Guide**
  - **Advance Sheets**
  - **Please have them available!**



Enabling Learning Objectives

- **Identify the allegations and issues in a complaint**
- **Explain that IG fact-finding is appropriate given an allegation and other circumstances**
- **Describe the differences between an IG Investigative Inquiry and an IG Investigation**
- **Explain which IG method – Investigative Inquiry or Investigation – is preferable for a particular case**

Enabling Learning Objectives

- **Describe an individual's rights or non-rights given that person's role and status**
- **Describe the actions an IG should take upon receiving an allegation against a General Officer or Senior Executive Service (SES) civilian**
- **Describe how an IG plans an Investigative Inquiry or Investigation**
- **Demonstrate evidence-gathering activities by reviewing documents; analyzing data; and interviewing witnesses, subjects, or suspects**

Enabling Learning Objectives

- **Describe the IG Standard of Proof**
- **Describe how IGs use command products to resolve an allegation in a ROI / ROII**
- **Describe a request for IG information and the proper actions taken by the IG**
- **Complete a Report of Investigation (ROI)**

Overview

- We will discuss how IG Investigations fit into the IGAP

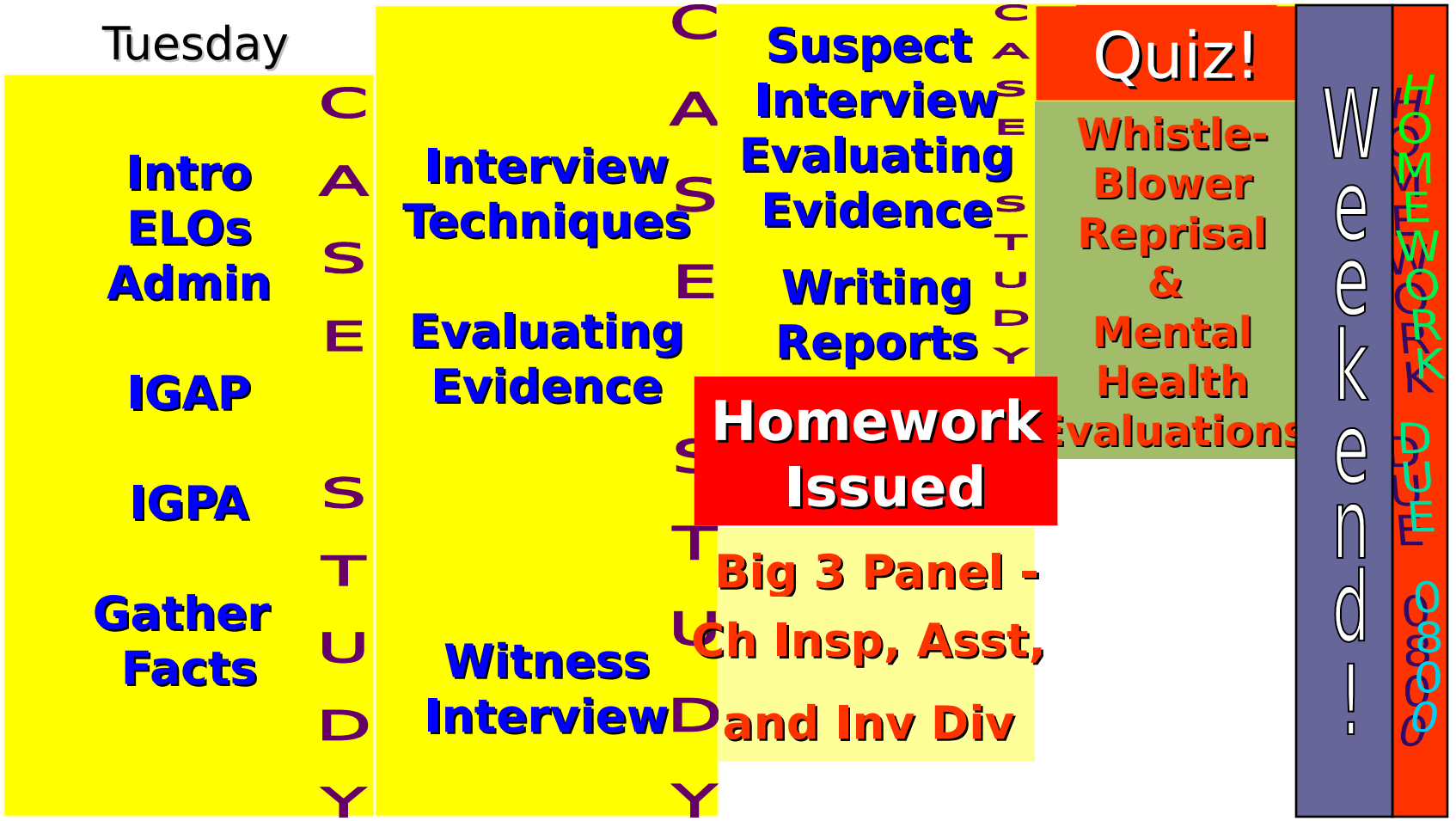
- IGs collect and evaluate evidence **to substantiate or not substantiate allegations**

Methodology

- Discussion
- Practical Exercises
- Homework
- Quiz

Investigations Instruction

IG Investigations



IG Investigations

Vocabulary

ELO

Investigation –

F O R M A L

A fact-finding examination by a detailed IG into allegations, issues, or adverse conditions to provide the directing authority with a sound basis for decision and actions.

IG investigations normally address allegations of wrongdoing by an individual and are authorized by a written directive.

AR 20-1, paragraph 8-1b(1)

IG Investigations

Vocabulary

ELO

INFORMAL

- **Investigative Inquiry:**
  - An informal fact-finding process to gather information needed to resolve an allegation.
  - Led by a detailed IG
  - Authorized by a Command or State IG

    AR 20-1, paragraph 8-1b(2)
- **Witness:**
  - Someone whom we believe has some knowledge to support or refute an allegation.
  - May also be a subject-matter expert (SME).

    AR 20-1, paragraph 8-5a

IG Investigations

Vocabulary

- **Subject:**

  Someone against whom a non-criminal allegation is made

  AR 20-1, paragraph 8-5a

- **Suspect:**

  Someone against whom a criminal allegation is made

  AR 20-1, paragraph 8-5a

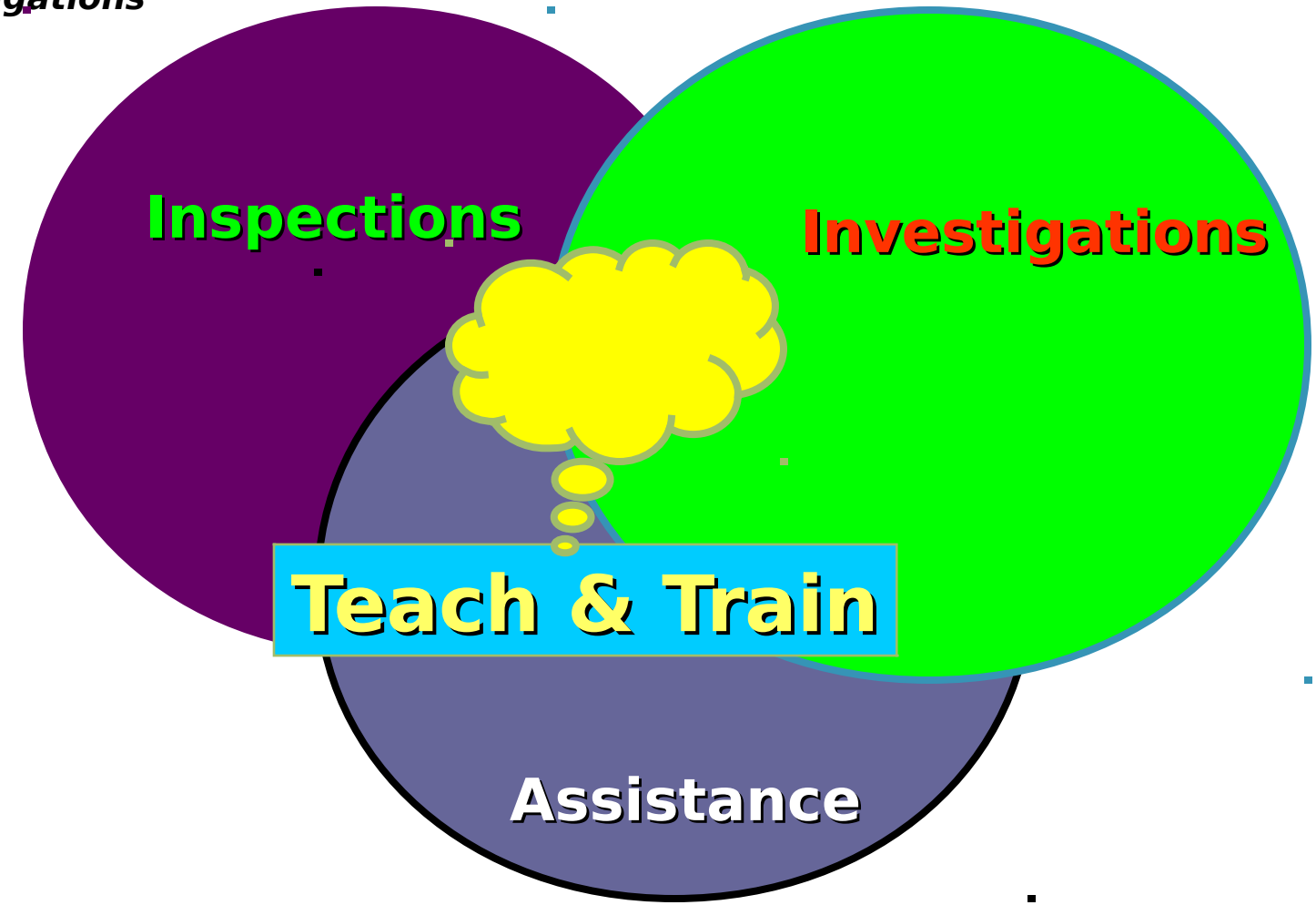
Vocabulary

- **Directing Authority:**
  - **An Army official that has authority to direct an IG investigation.**
  - **Commanders or directors that have detailed IGs on their staffs may direct IG Investigations.**

AR 20-1, paragraph 8-3d.

Linked Functions

IG Investigations



Summary

- **Define the following terms:**
  - **Investigation**
  - **Investigative Inquiry**
  - **Witness**
  - **Subject**
  - **Suspect**
  - **Directing Authority**

IG Investigations

Inspector General Action Process (IGAP) – 7 Steps

- **Receive the IGAR**
- **Conduct IGPA**
- **Initiate Referrals / Make Notifications**
- **Obtain the Facts**
- **Make Notifications of Results**
- **Conduct Follow-up**
- **Close the IGAR**

Receive the IGAR (Step 1)

IG Investigations

How can we receive IGARs?

ELO

IGPA (Step 2)

- **What's the first thing we do after we receive the IGAR?**
- **Identify the Issues and Allegations**
- **How to read a complaint…**

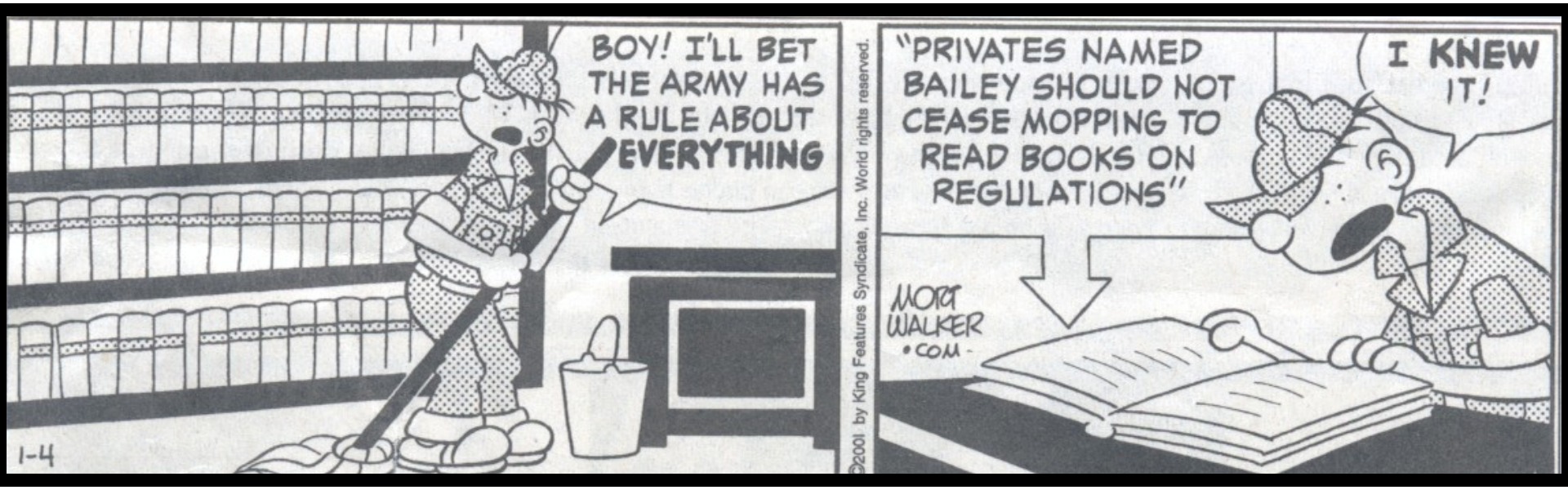
A&I Guide, Part Two, Sections 2-1, -2, and -3

Allegation

- **Who**
  - Must be an individual
- **Improperly**
  - The word “improperly” shows wrongdoing *
- **Did** (or did not do)
- **In Violation of a Standard**
  - A standard is law, regulation, or policy

IG Investigations

The Army has a Standard


BOY! I'LL BET THE ARMY HAS A RULE ABOUT EVERYTHING
1-4
©2001 by King Features Syndicate, Inc. World rights reserved.
"PRIVATES NAMED BAILEY SHOULD NOT CEASE MOPPING TO READ BOOKS ON REGULATIONS"
I KNEW IT!
MORT WALKER
•COM•

for Everything!

U.S. Army Inspector

Who's Involved?

Complainant:

- Military, DoD Civilian, Contract Civilian, or Civilian Civilian?
- Anonymous?
- Injured Party?
- Third Party?
- Assigned where?

Who's Involved?

- **Subject / Suspect**
  - **Who?**
  - **Assigned where?**
  - **Status?**

- **Commander or Supervisor**

IG Investigations

Typical Complaint

Our director, MR. JONES, is a real JERK. He has a clique of cronies that get all the good deals. The rest of us don't get anything. He also ordered new office furniture for himself and his SECRETARY. That is a real waste since we are laying off good workers. I also heard that he uses his frequent-flyer mileage for PERSONAL travel. He boasts that he is "IN TIGHT" with the General and that is why he can do whatever he wants to do. If you check, you can verify these things with Ms SMITH, Ms CLARK, Mr. CALVIN, and Mr. HOBBS. They know ALL about HIM.

A CONCERNED EMPLOYEE

Here's one left on your door last night!

IG Investigations

DEAR GENERAL,

COL Brown, the DMWR, is having an affair with the secretary.

Concerned and Jealous

P.S. He harasses all the women in DMWR and often doesn't even show up for work!

Proper Allegation?

COL Brown acted improperly in that he sexually harassed Ms Smith by asking her for dates on 20, 21, 22, and 25 JUL 2002 in violation of AR 600-20.

COL Brown sexually harassed Ms Smith by asking her for dates in violation of AR 600-20.

How about these?

COL Brown improperly conducted an adulterous relationship with a female employee at Fort Von Steuben in violation of Article 134, UCMJ.

xxxxxxx
x

COL Brown was improperly absent from his place of duty in violation of Article 82, UCMJ.

xxxxxxx
x

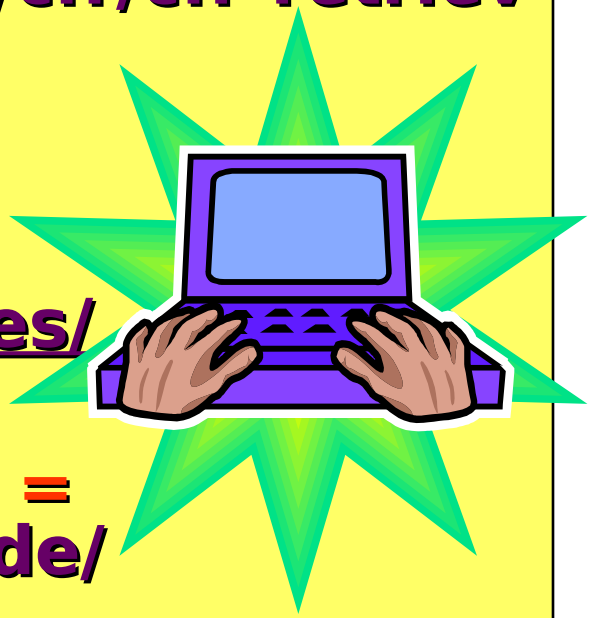
COL Brown improperly sexually harassed female employees in violation of AR 600-

Where to Find Standards

IG Investigations

Web Sites

- **Code of Federal Regulations (CFR) = www.access.gpo.gov/nara/cfr/cfr-retrieve.html#page1**
- **DoD Directives = www.dtic.mil/whs/directives/**
- **United States Code (USC) = www.law.cornell.edu/uscode/**
- **Army Regulations = www.apd.army.mil/**



Summary

- **Define a properly worded allegation**
- **What / who are Civilian-Civilians?**
- **What is the difference between an issue and an allegation?**
- **Why do we analyze complaints for issues and allegations?**

A normal day in the IG's Office

PE #1 - MSG Camen

- What is MSG Camen's status?
- What type of complaint is this?
- Who is the office of record? Why?
- Who is the subject / suspect?
- What are the issues / allegations?
- What is the standard?
- What do we do now, IG?

Issues – LTC Custer

IG Investigations

- **Having "affair" with a woman that is not his wife**
- **Is married**
- **Not setting example for his Soldiers**
- **Leaving?**
- **Commander, 6-6th Cavalry Squadron**

IG Investigations

Allegation – LTC Custer

LTC Custer xxxxxxx improperly conducted an adulterous relationship in violation of Article 134, UCMJ.

- **PE #2**

Let's talk to the complainant…

IG Investigations

Allegations – LTC Custer

LTC Custer improperly conducted an adulterous relationship in violation of Article 134, UCMJ.

~~XXXXXXXX~~

LTC Custer improperly used Government communications systems in violation of DoD Directive 5500.7-R, The Joint Ethics Regulation.

DAIG-AC within 2 working days… AR 20-1, 8-3g

- **PE #3**

Inspector General Preliminary Analysis

- During preliminary analysis, we must determine which option can best solve the puzzle.
- Which option do we choose? Non-IG investigation, IG Investigation, or IG Investigative Inquiry?
- Commander's Guidance

"It Depends"

- PE #4

IG Appropriate?

ELO

IG Investigations

- **Established means of redress ?**
- **JAG / SJA mismanagement ?**
- **Serious criminal misconduct ?**
- **Substantiation appears certain during IGPA and adverse action may be appropriate ?**

If yes, then ordinarily not IG appropriate.

- **IGs can inquire into / investigate violations of laws, regulations, and policies / directives**

- **PE #5**

AR 20-1, para 8-3

Commander's Options:

- UCMJ Rule 303, Commander's Inquiry
- AR 15-6 Investigation
- UCMJ Article 32
- Criminal Investigation Division
- Military Police Investigation
- Chain of Command
- Civil Authority
- Inspector General
- Do Nothing

Command Products

- **Referral**
- **Due Process IAW Regulation**
- **Legal Review**
- **ROI / ROII**
- **Database** **“S” or “N”**

(more to follow in Step 4)

Characteristics of IG Investigations / Inquiries

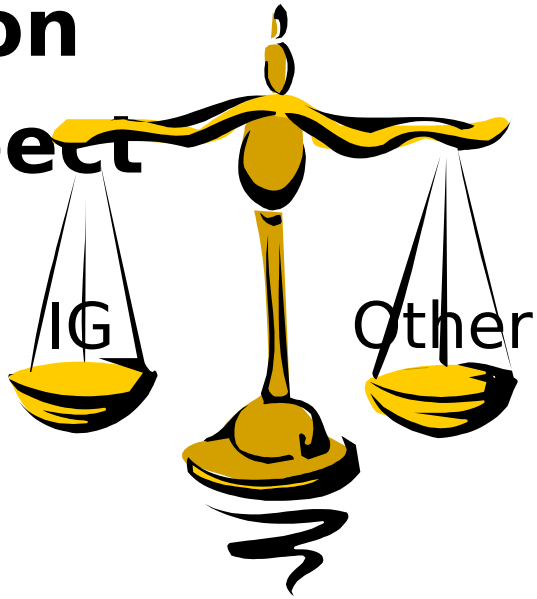
- **Fair and Impartial**
  - IG is not an adversary or a champion
  - IGs do not recommend adverse action
- **Thorough – emphasis on facts**
- **Concerned with Confidentiality**
  - Limited distribution of information
  - Overt but *discreet*
  - Protect all individuals from reprisal / ridicule, including the accused

IG Investigations

Course of Action Development: Selecting a Fact-finding Process?

ELO

- Help determine a course of action
- Meets Commander's Guidance
- Lack of factual information
- Identity of Subject / Suspect
- Sensitivity of allegations
- Protect reputations
- Confidentiality



A&I Guide, Part Two, Sections 2-5 and 2-6

Summary

- **What are the implications to an IG Investigation / Investigative Inquiry if the standard cited in the allegation is criminal?**
- **Describe a commander's options when made aware of personal misconduct by a member of his or her command.**
- **Why conduct an IG Inquiry or Investigation?**

Investigation vs. Investigative Inquiry

ELO

- **Formal – Investigation**
  - Written Directive from CG / Directing Authority
  - Sworn and Recorded Testimony
- **Informal – Investigative Inquiry**
  - Authorized by Command (or State) IG
  - Sworn and Recorded Testimony <u>not required</u>
- **Both are:**
  - Thorough
  - Concerned with confidentiality
  - Discreet

AR 20-1, para 8-4 b, c

IG Investigations

Obtain Authority - Inquiry

- **No formal authorization required**
- **Command or State IG may direct**

  AR 20-1, paragraph 8-4c(1)

- **Based on Commander's guidance**

Obtain Authority – Investigation

- **Requires a written directive from the directing authority (CG / TAG / TIG)**

  AR 20-1, paragraph 8-4b(1)

- **The detailed IG responsible for the investigation normally obtains the directive**

- **The IG prepares an Action Memorandum to request the written directive**

Action Memorandum

Part Two, Section 2-9

- Gives background information
- States the allegation(s)
- Summarizes the case
- Provides the scope / limits of the investigation
- Includes SJA opinion
- Not releasable under Freedom of Information Act (FOIA)

Directive

Part Two, Section 2-9

- **Authorizes the investigation**
- **General description of the allegation**
  - **Names are not included to protect confidentiality**
  - **Directive is presented to all individuals who are interviewed to show your authority to conduct the investigation**
- **PE #6**

Action Memo + Directive

- **Ensures a clear, mutual understanding between the IG and the directing authority concerning what is to be investigated.**

- **The IG's contract with the Directing Authority**

- **Protects the IG from civil liability**

IG Investigations

Which IG Method -- Investigation or Investigative Inquiry?

ELO

- **Use an investigation (formal) when:**
  - **The allegation is serious and could result in adverse action or criminal charges**
  - **High versus low degree of documentation is important**
  - **The potential for harm to a Soldier (or Soldiers) exists**
  - **The image of the Army may be affected**
  - **The impact on the command would be great**
  - **The allegation will likely have media interest**
  - **The Commander directs you to conduct an investigation**

A&I Guide, Part Two, Section 2-6

Summary

- **What are the differences between IG Investigative Inquiries and Investigations?**
- **What is the purpose of -- and contents of -- the Action Memorandum and Directive?**
- **What factors favor an IG Investigation over an Investigative Inquiry?**

Rights and Non-Rights

IG INVESTIGATIONS

IG Investigations

ADMINISTRATIVE DUE PROCESS

Rights and Non-Rights for:

WITNESSES

SUBJECTS

SUSPECTS

(The Assistance and Investigations Guide, Part Two, Section 4)

Categories of Individuals

Witness:

Someone whom we believe has some knowledge to support or refute an allegation. May also be a Subject-Matter Expert (SME).

(The Assistance and Investigations Guide, Part Two, Section 4-1, p. II-4-2)

Categories of Individuals

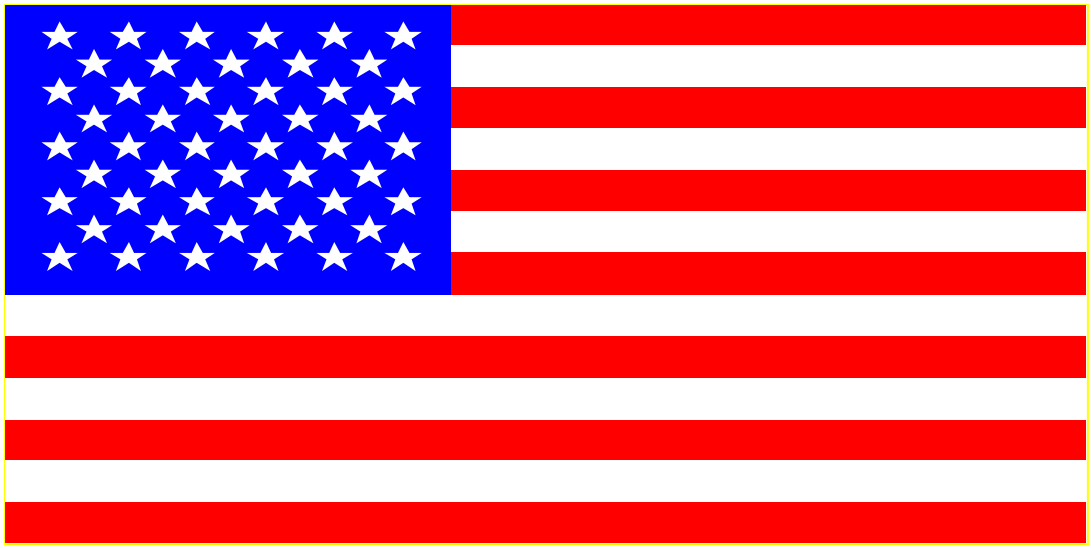
- **Subject**
  - **Someone against whom a non-criminal / non-punitive allegation is made**

- **Suspect**
  - **Someone against whom a criminal / punitive allegation is made**

(The Assistance and Investigations Guide, (Part Two, Section 4-1, pg. II-4-2)

IG Investigations

Rights and Non-Rights



(The Assistance and Investigations Guide, (Part Two, Chapter 4)

U.S. Army Inspector

ELO

Rights and Non-Rights

Rights

- **Know and Comment on Allegations (Subject / Suspect)**
- **Know and Comment on Unfavorable Information (Subject / Suspect)**
- **Know Rights Under Article 31 (Suspect)**
- **Have a Union Representative Present (DoD Civilian)**

A&I Guide, Part Two, Section 4-2

IG Investigations

ELO

Rights and Non-Rights
Rights (cont'd)

- **Have Counsel Present (Suspect)**
- **Consult with Counsel (Everyone)**
- **Confidentiality (Everyone but…?)** **A&I Guide, Part Two, Section 4-2**

ELO

Rights and Non-Rights

Non-Rights

- Know the identity of witnesses
- Be present during questioning of oth
- Question others
- Review evidence
- Have a friend present during questio
- Record / take notes during an intervi
- Remain silent (witnesses and subject

A&I Guide, Part Two, Section 4-3

Witness Cooperation

- **Army**
  - **Active Duty**
  - **Reserve (Federal Status)**
  - **National Guard (Federal Status)**
- **Other DoD Military and Civilians**
- **Civilians not employed by the DoD (Civilian / Civilians)**

A&I Guide, Part Two, Section 4-4

Summary

- **What are a suspect's rights during an IG Investigative Inquiry or Investigation?**
- **What are a subject's rights during an IG Investigative Inquiry or Investigation?**
- **What are a Civilian-Civilian's rights during an IG Investigative Inquiry or Investigation?**

Initiate Referrals / Make Notifications (Step 3)

A ROI / ROII is required to substantiate or not substantiate an allegation

ations

- **If a non-IG investigation is appropriate at this time, we will refer it to the proper authority.**
  - **What can we provide a non-IG investigating officer?**

    AR 20-1, paragraph 3-6b(3)

- **If an IG investigation or investigative inquiry is appropriate, we must verbally notify the subject / suspect's commander or supervisor.**

- **If an IG investigation or investigative inquiry is appropriate, we must verbally notify the subject / suspect.**

Notifications

- **Commander / Supervisor:**
  - **Verbally notify appropriate commanders and or supervisors of the investigation (inquiry) and inform them of the nature of the allegations**

AR 20-1, paragraph 8-4b(2)

(The Assistance and Investigations Guide

Part Two, Section 3-2)

Notifications

- **Subject / Suspect:**
  - **Verbally notify the subjects or suspects of the investigation (inquiry) and inform them of the nature of the allegations**

AR 20-1, paragraph 8-4b(2)

(The Assistance and Investigations Guide Part Two, Section 3-2)

Other Required Notifications

- **Allegations against a senior NCO or field-grade Army Officer**
  - **Allegations against a MSG or 1SG, SGM or CSM, MAJ, LTC, or COL**
  - **Report allegations to DAIG Assistance Division (DAIG-AC) within two working days**

AR 20-1, paragraph 8-3g

- **PE #7: Let's Notify LTC Custer and his Commander / Supervisor**

ELO

Other Required Notifications

- **Allegations against an IG:**
  - **Report allegations against IGs to the next higher-echelon IG for appropriate action within two working days**

    AR 20-1, paragraph 8-3h

- **Allegations against COLs(P), GOs, and SESs:**
  - **Report allegations against Senior Officials to DAIG Investigations Division (SAIG-IN) within two working days**

    AR 20-1, paragraph 8-3i

Summary

- **What are the notification requirements during an IG Investigation (you are the office of record)?**

- **Must a DA Civilian employee cooperate with an IG Investigative Inquiry or Investigation?**

ELO

Obtain the Facts - Plan

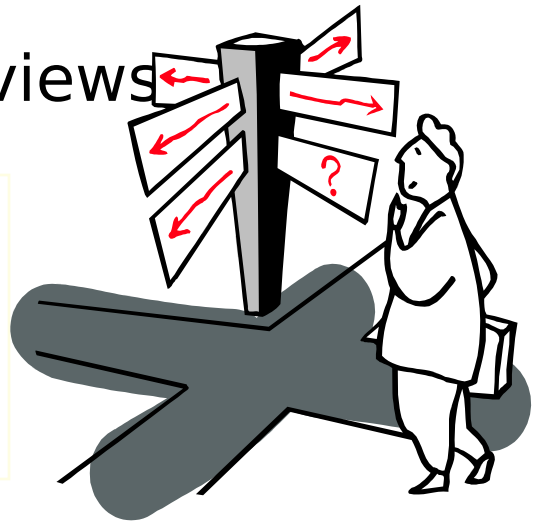
- **An IG Investigation requires a written investigative plan**

- **An investigative plan includes:**

✓ Witness list including complainant, SMEs, and subject / suspect

✓ Time, location, and sequence of interviews

✓ Questions / interrogatories

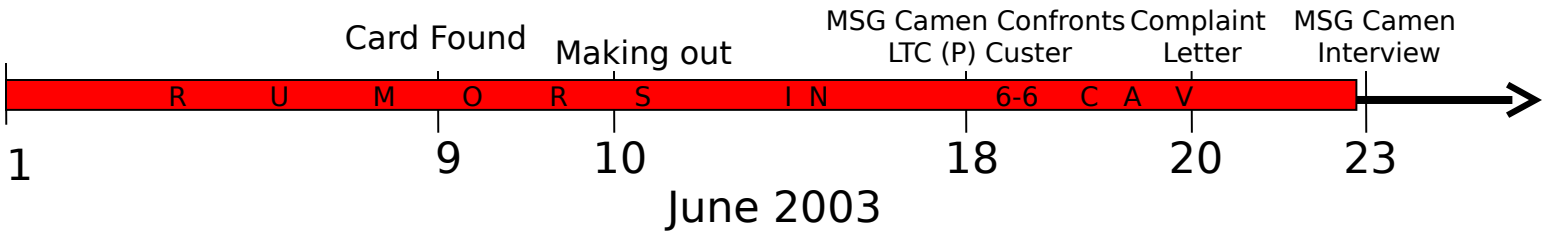


AR 20-1, paragraph 8-4b(3) &
A&I Guide, Part Two, Section 5-3

- **PE #8**

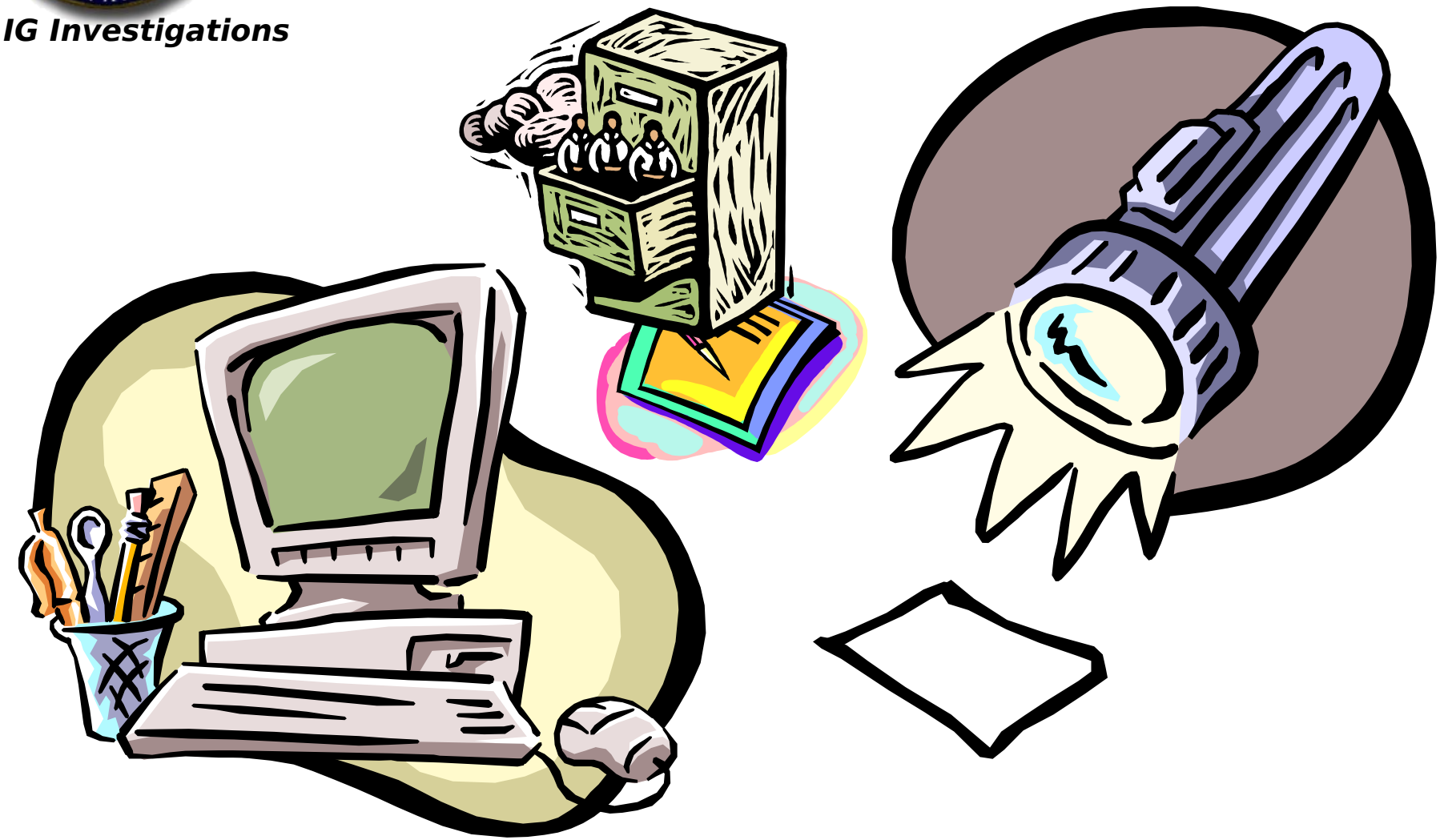
Evidence Matrix

	Adultery	Government Communications	Other/Due Outs
MSG Camen	(O) LTC Custer and The Energizer – Mold's Gym. (C) Found Card on 9 June, "I love / wake up with you" (D) Saw LTC Custer making out in parking lot- 10 June (H/S) Admission on 18 June	(H/S) LTC Custer got e-mail from The Energizer on his Government computer (from CPT Benteen). (D/O) LTC Custer unavailable on Govt cell phone - talking to The Energizer?	Recently arrived from OCONUS. Check Cell phone records Check Computer records Who is The Energizer?
MAJ Clank			
CPT Benteen			
E-mail			
Telephone Records			
Greeting Cards			
The Energizer			
LTC (P) Custer			



Gather the Evidence

IG Investigations



Categories of Evidence

- Documentary
- Physical (objects / conditions)
- Oral statements
  - Sworn and recorded testimony
    - Transcribed
    - Summarized
  - Statements (not sworn)
- IG's personal observations
- PE #9

Levels of Evidence

ELO

A&I Guide, Part Two, Sections 6-3, -4

IG Investigations

Value

Low

High

Opinion - A person's belief or judgment

Hearsay - What one individual says another person said

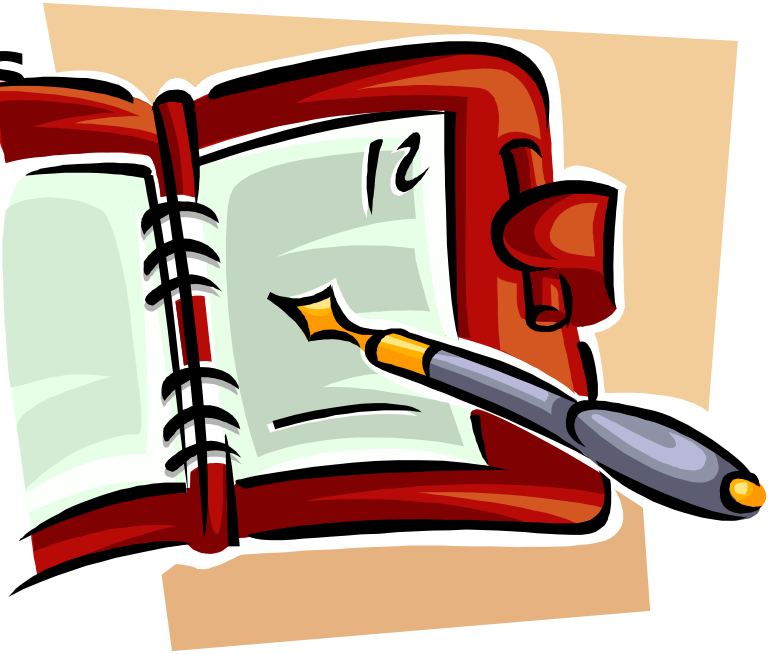
Circumstantial - Tends to prove or disprove an issue by inferences

Direct - First-hand knowledge

Fact - Things that are known to have happened and things that are known to be true (two or more sources of information)

Execute Your Plan

- **Collect documents**
- **Collect physical evidence**
- **Conduct interviews**
  - **Complainant**
  - **Experts**
  - **Witnesses**
  - **Subjects / Suspects**



ELO

Execute Your Plan

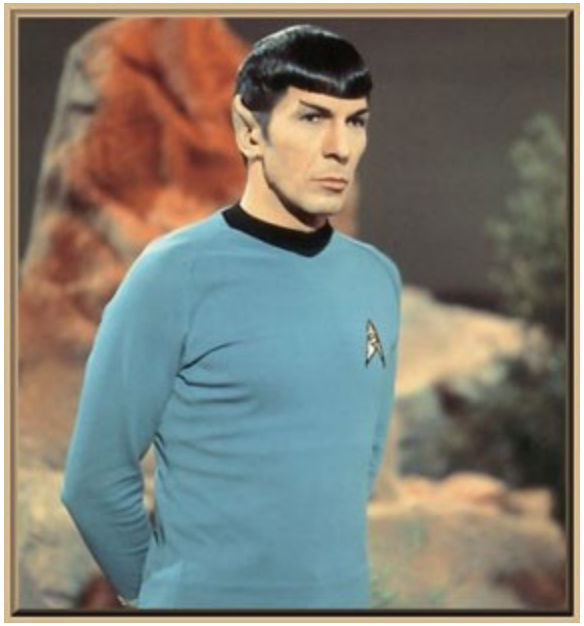
- **Evidence in an IG investigation is usually sworn testimony**
- **How many witnesses do we interview?**
  - **Minimum number necessary to substantiate or refute the allegation(s) – you decide !**
  - **Don't overkill! Preponderance of credible evidence**
- **PE #10 & 11**

IG Investigations

Execute Your Plan

Beware of Logic Traps!

Rational Logic versus Irrational Logic

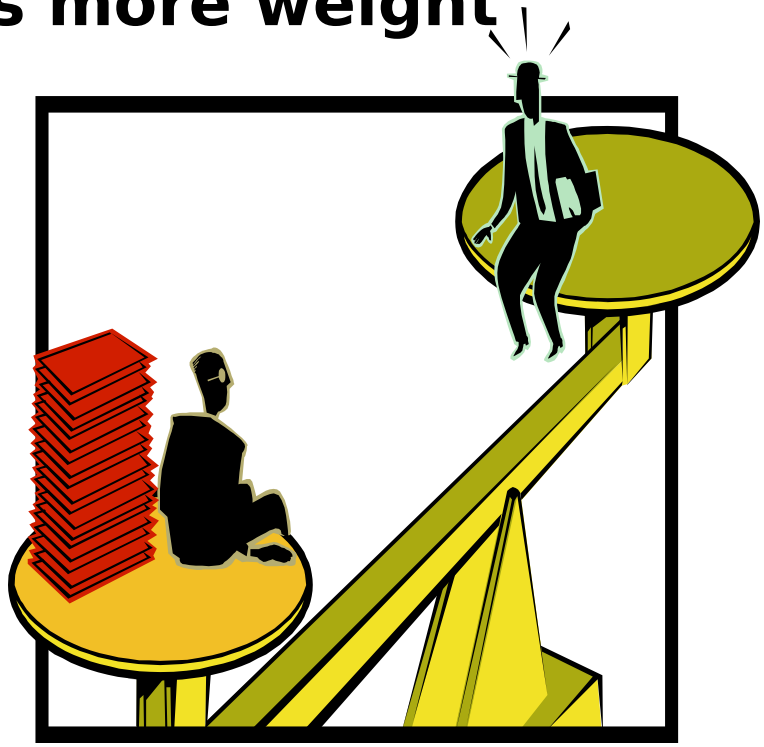


IG Standard of Proof

ELO

IG Investigations

- **Preponderance of credible evidence**
  - **That evidence which has more weight**
  - **>50%**
  - **"More likely than not"**



- **Only two conclusions:**

Substantiated "S"

Not Substantiated "N"

AR 20-1, paragraph 8-2a(3)

Evidence Matrix

	Adultery	Government Communications	Other/Due Outs
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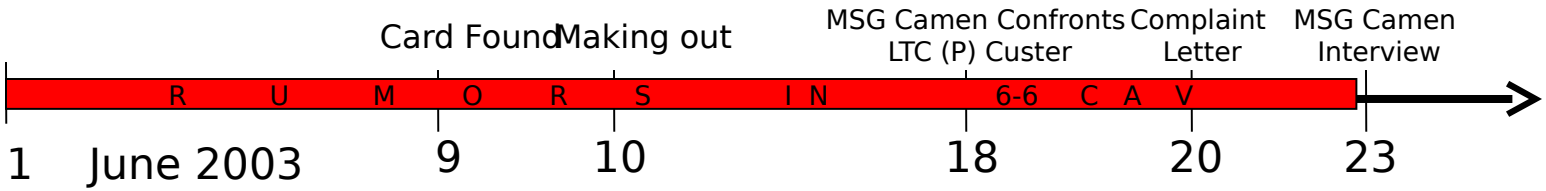
MAJ Clank			
CPT Benteen			
E-mail			
Telephone Records			
Greeting Cards			
The Energizer			
LTC (P) Custer			



Interviews

A&I Guide, Part Two, Chapter 7

ELO

IG Investigations

Keys to success:

- **Preparation**
- **Attitude and Demeanor**
- **Ability to:**
  - **Put witness at ease**
  - **Maintain impartiality**
  - **Adapt**
- **LISTEN!**
- **OBSERVE!**
- **No Surprises**
- **Get the witness to introduce the facts**

Gather Evidence

- **Let's interview MAJ Clank, XO, 6-6th Cavalry Squadron**
- **PE #12**
- **What evidence did we g**
- **What now, IG?**
- **PE #13**

IG Investigations

Interviews

Tactics and Techniques

- **Free Narrative**

  "Tell me what you know about Ms Smith."

- **Direct Examination**

  "Where did you go with Ms Smith on the night of 15 January 2003?"

- **Cross Examination**

  "Earlier you stated that you 'had fun with Ms Smith.' Please define 'fun' in your own words."

Interviews

Developing an Interrogatory

- What is / are the elements of proof?

- Develop the key facts to meet the elements of p

Who
What
When
Where
Why
How
How many / much

Gather Evidence

- Let's interview CPT Benteen, S-1, 6-6th Cavalry Squadron
- PE #14
- What evidence did we obtain?
- PE #15 (Photographs)

IG Investigations

CPT Benteen's First Photograph

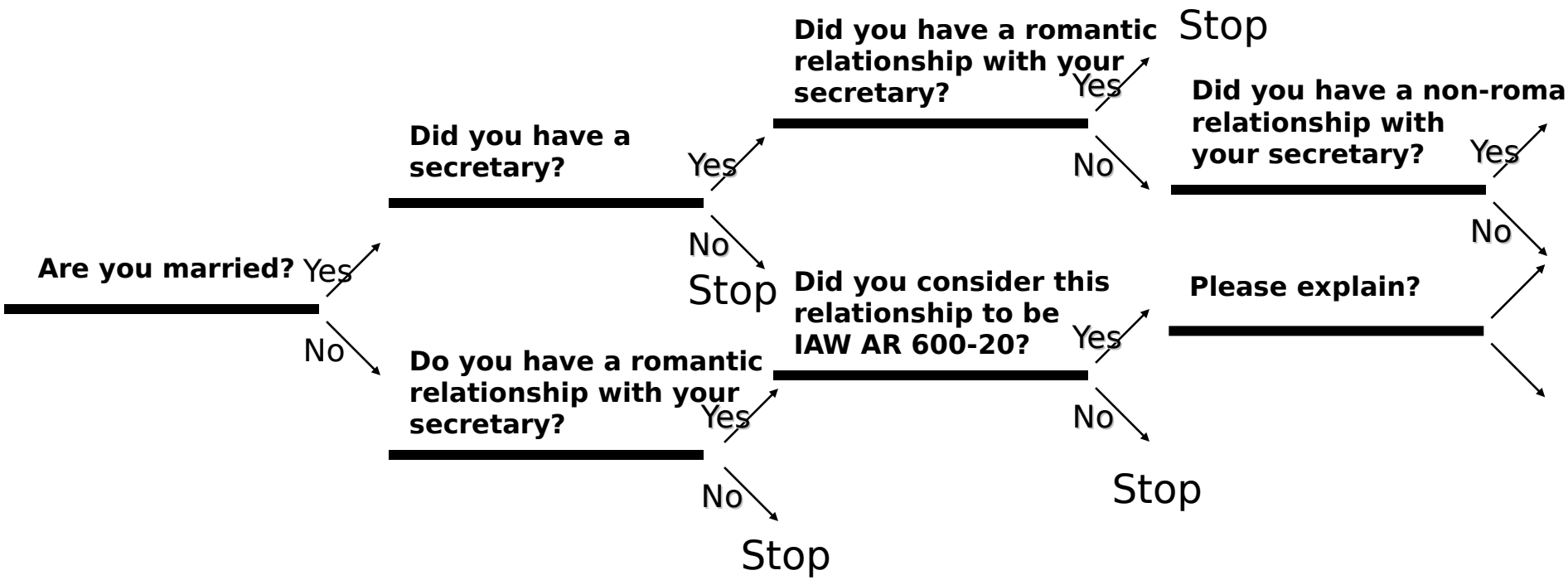
CPT Benteen's Second Photograph

IG Investigations

IG Investigations

Interviews

Developing an Interrogatory



Interviews

Avoid:

- Being defensive
- Asking:
  - **Yes or No questions**
  - **Leading questions**
  - **Irrelevant questions**
- Losing control of interview
- Losing your temper
- Interrupting the witness
- Giving advice or counsel
- Being intimidated

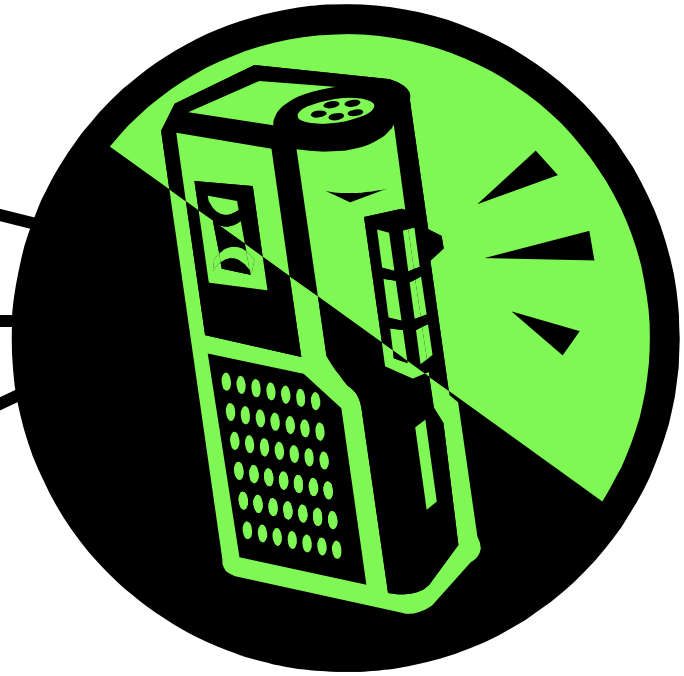
IG Investigations

Interviews
Don't Do This!

Interviews

Four-Step Process

1. Pre-tape briefing (off tape)
2. Read-in (on tape)
3. Questioning (on tape)
4. Read out (on tape)



Interviews

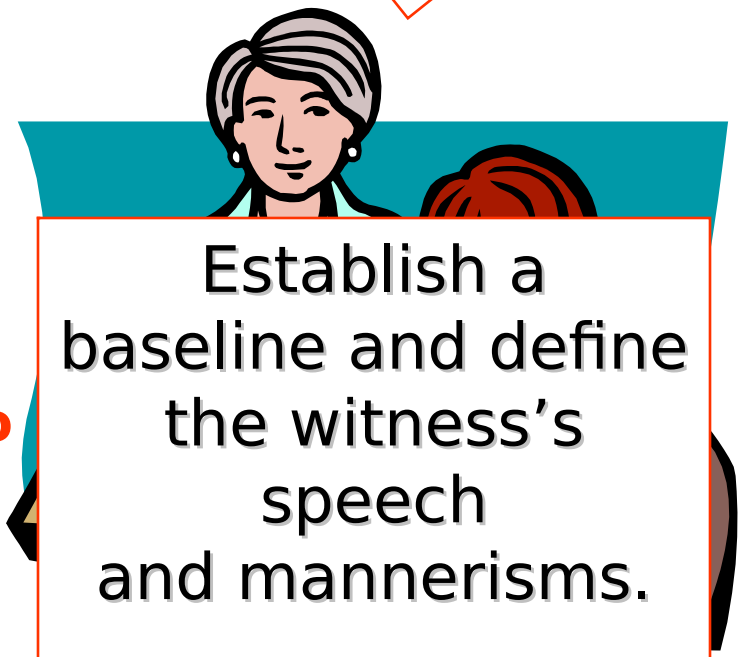
(A&I Guide, Part Two, Section 7-7)

IG Investigations

- **Pre-tape briefing**
  - **IG Role**
  - **Process and Confidentiality**
  - **FOIA**
  - **Privacy Act (page 7-22)**
  - **Header Sheet (page 7-23)**
  - **Rights Warning (pages 7-24 to**
- **Swearing / Affirming Oaths**

Establish rapport

Lay down the ground rules



Establish a baseline and define the witness's speech and mannerisms.

How to Tell if Someone is Lying

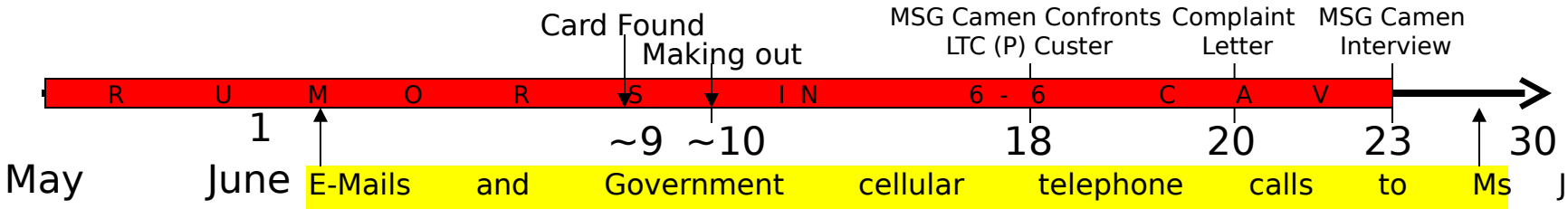
Categories of IGs

Table 2-1, AR 20-1

Category	IG Functions May Lead / *Do*
• **Detailed IG** (Officers, Com CWO, sel DAC)	• All functions / *All functions*
• **Assistant IG** (WOs/NCOs/DACs)	• Assist & Train / *All* • None / *Assists with inspections & investigations*
• Temporary Asst IG (“Subject-Matter Expert”)	• None / *Assistance only. Must be supervised by detailed IG*
• Acting IG (Commissioned Officer AD)	• None / *None. Admin only*
• Admin Support staff	

Pre-Jones Matrix: Investigation Plan – OTR 03-0025

	Adultery	Government Communications	Other/Due Outs
MSG Camen	(O) LTC Custer and The Energizer – Mold's Gym. (C) Found Card on 9 June, "I love / wake up with you" (D) Saw LTC Custer making out in parking lot- 10 June (H/S) Admission on 18 June	(H/S) LTC Custer got e-mail from The Energizer on his Government computer (from CPT Benteen). (D/O) LTC Custer unavailable on Govt cell phone - talking to The Energizer?	Recently arrived from OCONUS. Check Cell phone records Check Computer records Who is The Energizer?
MAJ Clank	(H/S) Rumors. Trash talk. (D) Ms Jones is the woman. Works at Acme Services, FVS AAF. LTC Custer her boyfriend. LTC Custer marital problems. No sex.		(H/S) Rumors began early June 2003 Interview CPT Benteen. Interview Ms Jones
CPT Benteen	(D) Custer had marital problems. Suspected relationship w/ Ms Jones. Female callers, gifts. No direct knowledge of sex. Mexico trip. E-mails (C) Photos of Ms Jones & bag	(D) Cell phone non-availability. E-mails from Ms Jones. "Nice to wake up with you", "last night's relationship," "feelings about each other."	S-1 two years. LTC Custer sleeping in his office in end of May-early June. LTC Custer performance degrading last six months.
E-mail	CPT Benteen – (D) "Nice to wake up with you", "last night's relationship," "feelings about each other."	(D) 27 e-mails sent to Ms Jones at Acme Services (2-29 June). Nine e-mails sent to Ms Jones at AOL.com (3-29 June).	POC Mr. Wirehead, DOIM
Telephone Records	(D) Govt. cell phone (540) 625-1876. Multiple calls made to Ms Jones's residence and Mold's Gym.	(D) Govt. cell phone (540) 625-1876. 33 calls to (806) 036-2436 $192.76. 12 calls to (540) 840-2501 $9.80 1-26 June	Ms Jones not a family member of LTC Custer. 44% calls to Ms Jones residence. 64% related to Ms Jones.
Greeting Cards	(C) Greeting card, "I love you so much – " – signed The Energizer (D) Two electronic cards from Ms Jones	(D) Two electronic cards from Ms Jones on LTC Custer's computer (10 and 18 June). Expressed love, desire.	
MS Jones			
LTC (P) Custer			



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Witness Interviews via Telephone

IG Investigations

- **Telephone Pre-tape Scrip**
  (page II-A-2)
- **Read-In (page II-A-10)**
  - **Person's status?**
- **Questions**
- **Read-Out (page II-A-13)**
  - **FOIA Release**

It's now time to interview The Energizer! – PE #16

Evaluate the Evidence

- **(Transcript)**
- **Fill in your matrix (Next slide, Schubin!)**

(pre-Custer.ppt)

Suspect Interviews

ELO

IG Investigations

- **Pre-tape** (p. II-7-19/20)
- **Read-In** (p. II-A-24)
  - **Person's status?**
- **Questions**
- **Read-Out** (p. II-A-27)
  - **FOIA Release**

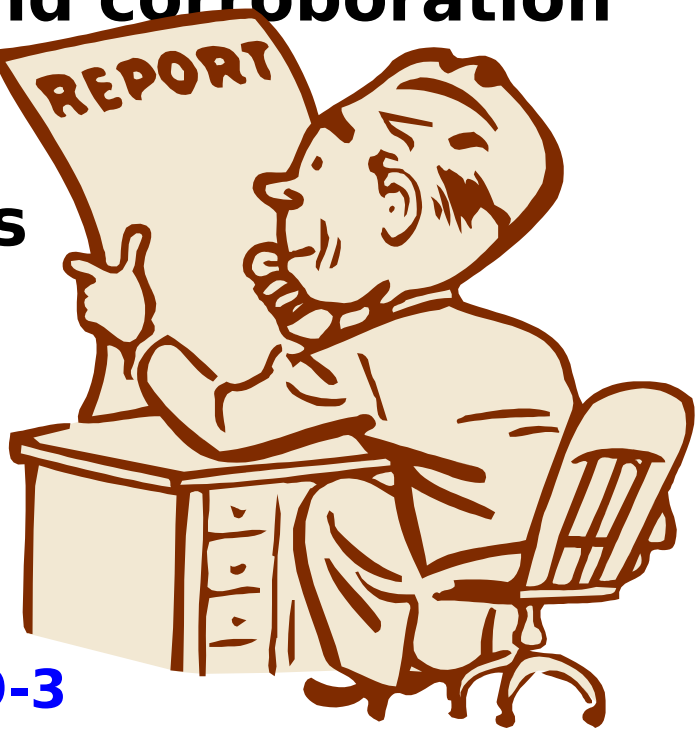
- **PE #17**

Evaluate the Evidence

ELO

IG Investigations

- **Analyze for accuracy, veracity, and relevance**
- **Check for inconsistencies and corroboration**
- **Summarize redundancies**
- **Determine and correct voids**
- **Draw clear and supported conclusions**
- **Use your best judgment**



A&I Guide, Part Two, Sections 6-5 and 9-3

LTC Custer improperly used Government communications equipment in violation of DoDD 5500-7R, paragraph 2-301a.

No significant additional cost to DoD. Reasonable duration and frequency.
Does not adversely impact the performance of official duties.

IG Investigations

Substantiate	Not Substantiate
	performance of LTC Custer's duties

Building the ROI / ROII

A&I Guide, Part Two, Section 9-4

ELO

IG Investigations

- **Executive Summary (when used)**
  - Name / Position
  - Authority
  - Background
  - S / N Allegation
  - Synopsis
- **Introduction (optional)**
- **Consideration of Allegations**
- **Other Matters**
- **Recommendations**

- Allegation
- Standard
- Key Evidence
- Compare Evidence against the Standard
- Conclusion

Building an ROI

A&I Guide, Part Two, Section 9-4

ELO

IG Investigations

STANDARDS

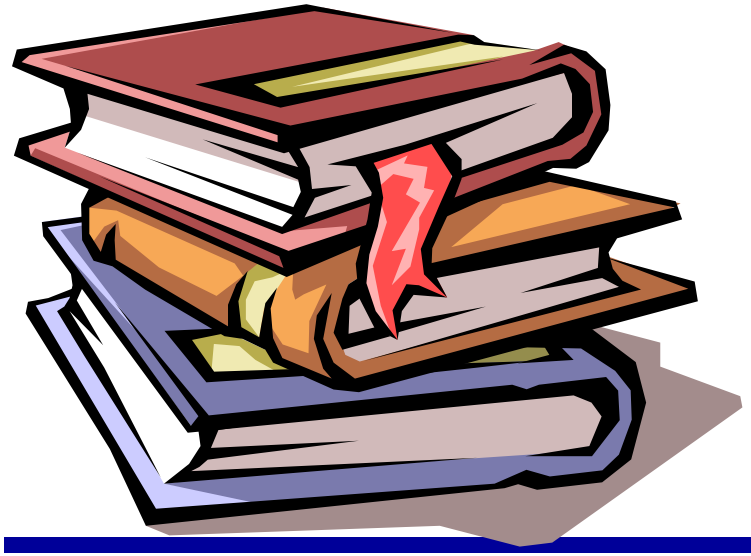
DOCUMENTS

TESTIMONIES

CONSIDERATION OF ALLEGATIONS

1. ALLEGATION
   a. EVIDENCE
      (1) _____
      (2) _____
      (3) _____
   b. DISCUSSION
   c. CONCLUSION

ACTION MEMO



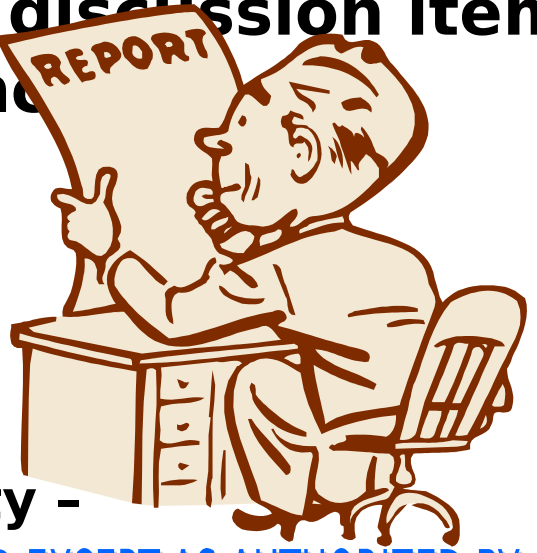
2. ALLEGATION
   a. EVIDENCE
      (1) _____
      (2) _____
      (3) _____
   b. DISCUSSION
   c. CONCLUSION

ELO

ROI Tips

IG Investigations

- **Allegations:** Be clear and concise
- **Standards:** Use the correct one(s)
- **Evidence:** Address elements of the standard(s)
- **Discussion:** Ensure that discussion items are introduced as evidence
- **Style:**
  - Past tense
  - Use “alleged”
  - Testified vs. stated
  - Use IO notes only for clarity – avoid opinion / emotion



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Example ROI / ROII

1. ALLEGATION: Ms Doe improperly abused her authority by acting in a discourteous and disrespectful manner to her subordinate employees in violation of DoD Directive 1400.5 and AR 600-100.

2. EVIDENCE:

a. Standards:

(1) DoD Directive 1400.5, DoD Policy for Civilian Personnel, ***dated*** ... stated ***in paragraph***...(EXHIBIT B

(2) AR 600-100, Army Leadership, ***dated ,*** stated **in paragraph x-x that "**Army leaders were responsible for treating subordinates with dignity, respect, fairness, and consistency." (EXHIBIT B-2)

Example ROI / ROII

b. Documents:

(1) In a memorandum dated 18 March 1996, subject: Ms Doe Meeting, Mr. Vik Tim, GS-13, Deputy Director, Law Enforcement and Security Division, Fort Woebegone, described an encounter with Ms Doe. Ms Doe, who had gotten a speeding ticket, called him on 18 March 1996 and began a lengthy and abusive tirade about poor MPs. Ms Doe was irrational, highly agitated, out of control, loud, and used expletives. Ms Doe also called him at home and screamed about the police. Ms Doe's actions were intimidating. (EXHIBIT C-1)

Example ROI / ROII

(2) In a handwritten note dated 26 February 19 CPT Bret Maverick, GOTCOM Police Force, stated on 25 February 1999, he stopped Ms Doe's car fr driving onto a range that had just been closed fo security sweep. Ms Doe yelled, moved her arms, said: "Damn it, I own you people." He directed Ms Doe to park by the road, and she complied. (EXHIBIT C-2)

[IO Note: On 15 November 1999, CPT Maverick confirmed he had given the note to Mr. Tim, and incident had taken place as he described it in the

Example ROI / ROII

c. Testimony

(1) Ms Goodyie Tooshuz, GS-7, Management Assistant, GOTCOM, testified on 14 January 2003 that she worked at GOTCOM for two years. She worked directly for Ms Doe. Ms Doe had never been rude to her, and she liked Ms Doe. Ms Doe could be a very hard person. She (Ms Doe) expected people to do their jobs, and she did not like to repeat things. Ms Doe was loud, but she (Ms Doe) did not scream at people. Some people felt intimidated by Ms Doe. She had heard Ms Doe say, "Damn it" and, when Ms Doe was frustrated, "Crap." Ms Doe cursed at events, not people. She did not think Ms Doe talked down to people; Ms Doe was just loud and it seemed that way. Ms Doe was hard of hearing and that affected Ms Doe's speech. (EXHIBIT D-1)

Example ROI / ROII

3. DISCUSSION:

(1) Complainants alleged that Ms Doe treated her subordinate employees with rudeness and disrespect. Army regulations required Army leaders to treat their subordinate employees with dignity, respect, fairness, and consistency and stated that discipline was appropriate for Army employees who were discourteous and used abusive or offensive language.

(2) The preponderance of evidence indicated that in the presence of her subordinate employees, Ms Doe frequently yelled, screamed, or spoke loudly; used abusive or offensive language; was discourteous and disrespectful; caused her employees to feel intimidated or fearful; displayed anger and impatience; and was argumentative with GOTCOM law-enforcement officers. While a few witnesses testified Ms Doe was a caring but misunderstood person who had the interests of her employees at heart, most witnesses described serious problems with her professional behavior.

Example ROI / ROII

4. CONCLUSION: The allegation that Ms Doe abused her authority by acting in a discourteous and disrespectful manner to her subordinate employee in violation of DoD Directive 1400.5 and AR 600-100 was substantiated.

5. OTHER MATTERS: Allegations made by the anonymous complainant against Ms Doe also included criminal allegations against two other GOTCOM employees: Mr. Izzy A. Krook, GS-12, and Ms Nadja Innocente, GS-9.

Example ROI / ROII

6. RECOMMENDATIONS:

a. The report be approved and the case be closed.

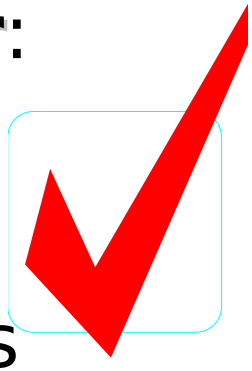
b. Ms Doe and COL Supervisor be notified of the results of the investigation.

c. Refer the allegations in OTHER MATTERS to CID for appropriate action.

d. File this report as OTR 03-XXXX.

Obtain Commander's Approval

- **Seek SJA review and legal sufficiency**
- **Hand-carry ROI to Directing Authorit**
- **Usually brief results to Commander**
- **Commander**:
  - Approves
  - Modifies
  - Disapproves
  - Directs additional action



Use of Command Products

ELO

A&I Guide, Part Two, Section 9-5

- **Notification Requirements**
  - Initial and final
- **Command Product Suitability**
  - Investigations / Investigators IAW applicable regulat
  - Legal review
  - Addressing all issues / allegations
- **Command product use**
  - Use only as evidence
- **Resolving disagreements**
  - Legal review
  - Not concurring with finding(s)

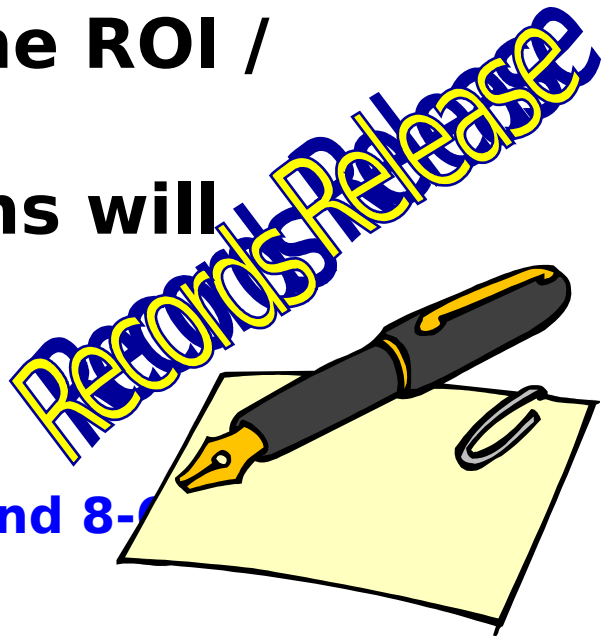
Notifications (Step 5)

- **Commander / Supervisor:**
  - **Notify the appropriate commanders or supervisors of the approved results of the Investigation / Inquiry in writing and enclose a copy of the notification in the ROI / ROII**

AR 20-1, paragraphs 4-9b and 8-4b / c

Notifications (cont'd)

- **Subject / Suspect:**
  - **Notify the subject or suspect of the approved results of the Investigation / Inquiry in writing and enclose a copy of the notification in the ROI / ROII**
  - **If substantiated, notifications will include FOIA procedures**



AR 20-1, paragraphs 4-9a, 8-4b / c, and 8-

Conduct Follow-up (Step 6)

- **Follow-up ensures that all issues have been thoroughly addressed and IG responsibilities have been fulfilled**
- **IG's primary concern is with ensuring that IG actions, command decisions, or proponent actions were completed**
- **Review for appeals or due-process actions**

AR 20-1, paragraph 4-10

Close the IGAR (Step 7)

- **Provide the Complainant a final reply**
  - **In writing**
  - **Only results that pertain to the complainant**

    AR 20-1, paragraph 4-11

- **Close the case in the IGARS database**

What Do You Do…?

When you uncover evidence of additional improprieties?

When you receive allegations against a GO or SES?

When a witness incriminates himself or herself?

When a witness refuses to cooperate?

When you uncover evidence of wrong-doing by a civilian-civilian?

When handing off to a follow-on investigator?

When you have completed your case?

QUESTIONS?